

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAX REED, II,

Petitioner

v.

STATE OF NEVADA, *et al.*,

Respondents

Case No.: 2:22-cv-01247-APG-NJK

**Order Dismissing Action as Improperly
Commenced**

Petitioner Gerald Max Reed, II has submitted a purported *pro se* petition for writ of habeas corpus, in which he asserts a constitutional challenge to certain Nevada state statutes (ECF No. 1-1). However, petitioner has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Thus, I dismiss the present action without prejudice to the filing of a new petition on the court's form in a new action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

The court also notes that Reed appears to challenge the constitutionality of the Nevada murder statutes under which he was convicted in his state criminal case. But Reed has a pending habeas petition in this court challenging his judgment of conviction for murder, in which he is represented by the Federal Public Defender. *See* Case No. 2:17-cv-00648-RFB-NJK (*see* ECF No. 80 granting a stay and abeyance of the petition).

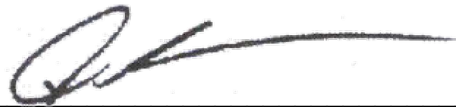
1 I THEREFORE ORDER that the Clerk of Court file the petition (ECF No. 1-1).

2 I FURTHER ORDER that the petition is **DISMISSED** without prejudice as set forth in
3 this order.

4 I FURTHER ORDER that a certificate of appealability is DENIED.

5 I FURTHER ORDER that the Clerk enter judgment accordingly and close this case.
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7 Dated: August 26, 2022



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9 U.S. District Judge Andrew P. Gordon
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